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Should former US high officials have to clear their memoirs?

Little attention is yet being paid to a public policy dispute brewing in Washington. At issue: How far should the American government go in protecting sensitive official secrets? For example, when a Jimmy Carter, Henry Kissinger, or Harold Brown leaves office, he draws on his official experiences to provide personal insights about the most critical issues of the day. Should that former official have to clear all his remarks – whether in the form of a history, speech, biography, or even book review – with the administration currently in power? Should that requirement for prepublication clearance follow him for the rest of his life?

There is no disputing that the United States government must be concerned about preventing the disclosure of information which could damage national security.

But what prompts the current discussion over such questions as these is a new presidential directive issued by the Reagan administration. The directive requires that all federal agencies involving classified information draw up internal guidelines to protect categories of the most sensitive information within government. Although each agency will draft its own internal measures, the directive provides that all persons having access to what is called "SCI" – sensitive compartmented information – sign a nondisclosure document requiring prepublication review by that agency "to assure deletion of SCI and other classified information."

As the administration notes, the directive applies only to a relatively small number of officials, perhaps no more than several thousand. They would be officials having access to SCI material, which has to do with information about the sources and methods of intelligence gathering. But the preclearance review would apply not just to SCI information, but "other classified information," and the several thousand officials involved would most likely be the highest officials in government dealing with security information, such as the secretary of state, secretary of defense, top military officers, etc. For example, if Secretary Shultz were to make a speech a decade from now on Central America, he would presumably have to obtain preclearance, provided he had signed the nondisclosure form and the new policy was still being enforced by the administration then in power.

The right of government to engage in preclearance was upheld by the US Supreme Court in 1980 in a case involving former CIA official Frank W. Snepp. But such preclearance has been enforced only by the various super-secret intelligence agencies. The Reagan administration directive, however, goes far beyond such agencies and extends preclearance to all federal agencies that may deal in classified materials.

There should be an immediate congressional examination of this directive, lest such a sweeping requirement not only stifle public disclosure but, more seriously, undermine public debate and well-informed citizen participation. The well-being of a democratic society requires maximum candor and criticism not only from persons outside government – but from persons now outside government who once served in high office.

Certainly no official, in or out of government, should be allowed to betray sensitive secrets. But there is something disturbing about requiring former high-ranking officials to go hat in hand to government agencies for preclearance before making a speech, writing a book, or otherwise using their government experience in the public interest – especially when they themselves know the acceptable limits of disclosure.